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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SERIOUS USA, INC.; SERIOUS IP, INC.; :  
and DXPDD, LLC, :  
: Plaintiffs,  
-against- : Civil Action No. 08 Civ. 4808 (GBD) (AJP)  
CD DIGITAL CARD; CD WORKS; DISC : Honorable George B. Daniels  
MAKERS; IMX SOLUTIONS, INC.; : Magistrate Judge Andrew J. Peck  
INFINITE MARKETING INC.; INGRAM :  
MICRO INC.; L&M OPTICAL DISC, LLC; : **JURY TRIAL DEMANDED**  
MICROVISION DEVELOPMENT, INC.; :  
ONEDISC.COM, INC.; and SONARUS :  
CORPORATION, :  
: Defendants.  
: X-----

**ANSWER OF DEFENDANT MICROVISION DEVELOPMENT, INC.  
TO PLAINTIFFS' COMPLAINT FOR PATENT INFRINGEMENT**

Defendant Microvision Development, Inc. ("Microvision"), by and through its undersigned counsel, answers Plaintiffs' Complaint for Patent Infringement (the "Complaint") as follows:

## THE PARTIES

1. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 1 and, on that basis, denies said allegations.
2. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 2 and, on that basis, denies said allegations.
3. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 3 and, on that basis, denies said allegations.
4. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 4 and, on that basis, denies said allegations.
5. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 5 and, on that basis, denies said allegations.
6. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 6 and, on that basis, denies said allegations.
7. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 7 and, on that basis, denies said allegations.
8. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 8 and, on that basis, denies said allegations.
9. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 9 and, on that basis, denies said allegations.
10. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 10 and, on that basis, denies said allegations.
11. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 11 and, on that basis, denies said allegations.

12. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 12 and, on that basis, denies said allegations.

13. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 13 and, on that basis, denies said allegations.

14. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 14 and, on that basis, denies said allegations.

15. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 15 and, on that basis, denies said allegations.

16. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 16 and, on that basis, denies said allegations.

17. Microvision admits the allegations in Paragraph 17.

18. Microvision denies each and every allegation in Paragraph 18, except admits that, from time to time, it does business in the State of New York and contracts to supply goods or services within the State of New York and this District to distribute goods or services to various locations, including in the State of New York. Microvision denies that it has sold, or has contracted to sell, any infringing products, or has committed any acts of patent infringement.

19. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 19 and, on that basis, denies said allegations.

20. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 20 and, on that basis, denies said allegations.

21. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 21 and, on that basis, denies said allegations.

22. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 22 and, on that basis, denies said allegations.

### **JURISDICTION AND VENUE**

23. Microvision admits that the Complaint purports to be an action arising under the Patent Laws of the United States, but denies any wrongdoing or liability. Microvision admits that this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

24. The allegation in Paragraph 24 is a conclusion of law requiring no response. To the extent a response is required, Microvision denies the allegations in Paragraph 24.

### **PATENTS IN SUIT**

25. Microvision admits that United States Design Patent No. D503,404 (the “‘404 patent”) issued on March 29, 2005, is entitled “CD CARD,” and names David B. Wood as Inventor. Microvision admits that a copy of the ‘404 patent is attached as Exhibit A to the Complaint. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 25 and, on that basis, denies said allegations.

26. Microvision admits that United States Patent No. 6,510,124 (the “‘124 Patent”) issued on January 21, 2003, is entitled “CD CARD,” and names David B. Wood as inventor. Microvision admits that a copy of the ‘124 patent is attached as Exhibit B to the Complaint. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 26 and, on that basis, denies said allegations.

27. Microvision admits that United States Patent No. 6,762,988 (the “‘988 Patent”) issued on July 13, 2004, is entitled “CD CARD,” and names David B. Wood as inventor. Microvision admits that a copy of the ‘988 patent is attached as Exhibit C to the Complaint. Microvision

lacks information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 27 and, on that basis, denies said allegations.

28. Microvision admits that United States Patent No. 7,308,696 (the “‘696 Patent”) issued on December 11, 2007, is entitled “DATA STORAGE APPARATUS,” and names David B. Wood as inventor. Microvision admits that a copy of the ‘696 patent is attached as Exhibit D to the Complaint. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 28 and, on that basis, denies said allegations.

29. Microvision admits that United States Patent No. 5,982,736 (the “‘736 Patent) issued on November 9, 1999, is entitled “TRADING CARD OPTICAL COMPACT DISC AND METHODS OF USING AND FORMING SAME,” and names Gerald A. Pierson as inventor. Microvision admits that a copy of the ‘736 patent is attached as Exhibit E to the Complaint. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 29 and, on that basis, denies said allegations.

30. Microvision admits and avers that United States Patent No. 6,304,544 (the “‘544 Patent) issued on October 16, 2001, is entitled “CARD COMPACT DISC, COMPACT DISC INTERFACE SEAT AND METHODS OF USING SAME,” and names Gerald A. Pierson, Benjamin J. Everidge, Raymond K. Engelking as inventors. Microvision denies that a copy of the ‘544 patent is attached as Exhibit F to the Complaint. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 30 and, on that basis, denies said allegations.

31. Microvision admits that United States Patent No. 6,078,557 (the “‘557 Patent”) issued on June 20, 2000, is entitled “METHOD OF USING OPTICAL COMPACT DISC,” and names Gerald A. Pierson as inventor. Microvision admits that a copy of the ‘557 patent is attached as

Exhibit G to the Complaint. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 31 and, on that basis, denies said allegations.

32. Microvision admits that United States Patent No. D502,469 (the “‘469 Patent”) issued on March 1, 2005, is entitled “COMPACT DISK CARD,” and names Gerald A. Pierson as inventor. Microvision admits that a copy of the ‘469 patent is attached as Exhibit H to the Complaint. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 32 and, on that basis, denies said allegations.

33. Microvision admits that United States Patent No. 6,016,298 (the “‘298 Patent”) issued on January 18, 2000, is entitled “CALLING CARD,” and names Gerhard Fisher as inventor. Microvision admits that a copy of the ‘298 patent is attached as Exhibit I to the Complaint. Microvision lacks information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 33 and, on that basis, denies said allegations.

## COUNT I

### Alleged Infringement of the ‘404 Patent

34. Microvision denies that it has or continues to infringe, contribute to infringement, and/or induce infringement of the ‘404 Patent in any way. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34 with respect to the other Defendants and, on that basis, denies said allegations.

35. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35 and, on that basis, denies said allegations.

36. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36 and, on that basis, denies said allegations.

37. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 and, on that basis, denies said allegations.

38. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 and, on that basis, denies said allegations.

39. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39 and, on that basis, denies said allegations.

40. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40 and, on that basis, denies said allegations.

41. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41 and, on that basis, denies said allegations.

42. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42 and, on that basis, denies said allegations.

43. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 and, on that basis, denies said allegations.

44. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44 and, on that basis, denies said allegations.

45. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45 and, on that basis, denies said allegations.

46. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46 and, on that basis, denies said allegations.

47. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47 and, on that basis, denies said allegations.

48. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48 and, on that basis, denies said allegations.

49. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49 and, on that basis, denies said allegations.

50. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50 and, on that basis, denies said allegations.

51. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51 and, on that basis, denies said allegations.

52. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the in Paragraph 52 and, on that basis, denies said allegations.

53. Microvision denies that it has infringed the '404 Patent by the manufacture, use, sale, importation and/or offer for sale of a SureThing CD Business Card Kit.

54. Microvision denies each and every allegation in Paragraph 54.

55. Microvision denies each and every allegation in Paragraph 55.

56. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56 and, on that basis, denies said allegations.

57. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57 and, on that basis, denies said allegations.

58. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58 and, on that basis, denies said allegations.

59. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59 and, on that basis, denies said allegations.

60. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60 and, on that basis, denies said allegations.

61. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61 and, on that basis, denies said allegations.

## COUNT II

### Alleged Infringement of the '124 Patent

62. Microvision denies that it has or continues to infringe, contribute to infringement, and/or induce infringement of the '124 Patent in any way. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62 with respect to the other Defendants and, on that basis, denies said allegations.

63. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63 and, on that basis, denies said allegations.

64. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64 and, on that basis, denies said allegations.

65. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65 and, on that basis, denies said allegations.

66. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66 and, on that basis, denies said allegations.

67. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67 and, on that basis, denies said allegations.

68. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68 and, on that basis, denies said allegations.

69. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69 and, on that basis, denies said allegations.

70. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70 and, on that basis, denies said allegations.

71. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71 and, on that basis, denies said allegations.

72. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72 and, on that basis, denies said allegations.

73. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73 and, on that basis, denies said allegations.

74. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 74 and, on that basis, denies said allegations.

75. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 75 and, on that basis, denies said allegations.

76. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 76 and, on that basis, denies said allegations.

77. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 77 and, on that basis, denies said allegations.

78. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 78 and, on that basis, denies said allegations.

79. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 79 and, on that basis, denies said allegations.

80. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 80 and, on that basis, denies said allegations.

81. Microvision denies that it has infringed the '124 Patent by the manufacture, use, sale, importation and/or offer for sale of a SureThing CD Business Card Kit.

82. Microvision denies each and every allegation in Paragraph 82.

83. Microvision denies each and every allegation in Paragraph 83.

84. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84 and, on that basis, denies said allegations.

85. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85 and, on that basis, denies said allegations.

86. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 86 and, on that basis, denies said allegations.

87. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 87 and, on that basis, denies said allegations.

88. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 88 and, on that basis, denies said allegations.

89. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 89 and, on that basis, denies said allegations.

### **COUNT III**

#### **Alleged Infringement of the '988 Patent**

90. Microvision denies that it has or continues to infringe, contribute to infringement, and/or induce infringement of the '988 Patent in any way. Microvision lacks knowledge or

information sufficient to form a belief as to the truth of the allegations in Paragraph 90 with respect to the other Defendants and, on that basis, denies said allegations.

91. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 91 and, on that basis, denies said allegations.

92. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 92 and, on that basis, denies said allegations.

93. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 93 and, on that basis, denies said allegations.

94. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94 and, on that basis, denies said allegations.

95. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95 and, on that basis, denies said allegations.

96. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96 and, on that basis, denies said allegations.

97. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97 and, on that basis, denies said allegations.

98. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 98 and, on that basis, denies said allegations.

99. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 99 and, on that basis, denies said allegations.

100. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 100 and, on that basis, denies said allegations.

101. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 101 and, on that basis, denies said allegations.

102. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 102 and, on that basis, denies said allegations.

103. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 103 and, on that basis, denies said allegations.

104. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 104 and, on that basis, denies said allegations.

105. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 105 and, on that basis, denies said allegations.

106. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 106 and, on that basis, denies said allegations.

107. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 107 and, on that basis, denies said allegations.

108. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 108 and, on that basis, denies said allegations.

109. Microvision denies that it has infringed the '988 Patent by the manufacture, use, sale, importation and/or offer for sale of a SureThing CD Business Card Kit.

110. Microvision denies each and every allegation in Paragraph 110.

111. Microvision denies each and every allegation in Paragraph 111.

112. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 112 and, on that basis, denies said allegations.

113. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 113 and, on that basis, denies said allegations.

114. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 114 and, on that basis, denies said allegations.

115. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 115 and, on that basis, denies said allegations.

116. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 116 and, on that basis, denies said allegations.

117. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 117 and, on that basis, denies said allegations.

#### **COUNT IV**

##### **Alleged Infringement of the '696 Patent**

118. Microvision denies that it has or continues to infringe, contribute to infringement, and/or induce infringement of the '696 Patent in any way. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 118 with respect to the other Defendants and, on that basis, denies said allegations.

119. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 119 and, on that basis, denies said allegations.

120. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 120 and, on that basis, denies said allegations.

121. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 121 and, on that basis, denies said allegations.

122. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 122 and, on that basis, denies said allegations.

123. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 123 and, on that basis, denies said allegations.

124. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 124 and, on that basis, denies said allegations.

125. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 125 and, on that basis, denies said allegations.

126. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 126 and, on that basis, denies said allegations.

127. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 127 and, on that basis, denies said allegations.

128. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 128 and, on that basis, denies said allegations.

129. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 129 and, on that basis, denies said allegations.

130. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 130 and, on that basis, denies said allegations.

131. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 131 and, on that basis, denies said allegations.

132. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 132 and, on that basis, denies said allegations.

133. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 133 and, on that basis, denies said allegations.

134. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 134 and, on that basis, denies said allegations.

135. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 135 and, on that basis, denies said allegations.

136. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 136 and, on that basis, denies said allegations.

137. Microvision denies that it has infringed the '696 Patent by the manufacture, use, sale, importation and/or offer for sale of a SureThing CD Business Card Kit.

138. Microvision denies each and every allegation in Paragraph 138.

139. Microvision denies each and every allegation in Paragraph 139.

140. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 140 and, on that basis, denies said allegations.

141. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 141 and, on that basis, denies said allegations.

142. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 142 and, on that basis, denies said allegations.

143. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 143 and, on that basis, denies said allegations.

144. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 144 and, on that basis, denies said allegations.

145. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 145 and, on that basis, denies said allegations.

**COUNT V**

**Alleged Infringement of the '469 Patent by CD Digital and OneDisc**

146. Microvision denies that it has or continues to infringe, contribute to infringement, and/or induce infringement of the '469 Patent in any way. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 146 with respect to the other Defendants and, on that basis, denies said allegations.

147. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 147 and, on that basis, denies said allegations.

148. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 148 and, on that basis, denies said allegations.

149. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 149 and, on that basis, denies said allegations.

150. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 150 and, on that basis, denies said allegations.

151. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 151 and, on that basis, denies said allegations.

152. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 152 and, on that basis, denies said allegations.

## COUNT VI

### Alleged Infringement of the '544 Patent by CD Digital, CDW, ImX, OneDisk and Sonarus

153. Microvision denies that it has or continues to infringe, contribute to infringement, and/or induce infringement of the '544 Patent in any way. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 153 with respect to the other Defendants and, on that basis, denies said allegations.

154. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 154 and, on that basis, denies said allegations.

155. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 155 and, on that basis, denies said allegations.

156. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 156 and, on that basis, denies said allegations.

157. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 157 and, on that basis, denies said allegations.

158. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 158 and, on that basis, denies said allegations.

159. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 159 and, on that basis, denies said allegations.

160. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 160 and, on that basis, denies said allegations.

161. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 161 and, on that basis, denies said allegations.

162. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 162 and, on that basis, denies said allegations.

163. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 163 and, on that basis, denies said allegations.

164. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 164 and, on that basis, denies said allegations.

165. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 165 and, on that basis, denies said allegations.

166. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 166 and, on that basis, denies said allegations.

167. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 167 and, on that basis, denies said allegations.

168. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 168 and, on that basis, denies said allegations.

## **COUNT VII**

### **Alleged Infringement of the '736 Patent by CD Digital and OneDisc**

169. Microvision denies that it has or continues to infringe, contribute to infringement, and/or induce infringement of the '736 Patent in any way. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 169 with respect to the other Defendants and, on that basis, denies said allegations.

170. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 170 and, on that basis, denies said allegations.

171. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 171 and, on that basis, denies said allegations.

172. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 172 and, on that basis, denies said allegations.

173. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 173 and, on that basis, denies said allegations.

174. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 174 and, on that basis, denies said allegations.

175. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 175 and, on that basis, denies said allegations.

### **COUNT VIII**

#### **Alleged Infringement of the '557 Patent by CD Digital and OneDisc**

176. Microvision denies that it has or continues to infringe, contribute to infringement, and/or induce infringement of the '557 Patent in any way. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 176 with respect to the other Defendants and, on that basis, denies said allegations.

177. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 177 and, on that basis, denies said allegations.

178. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 178 and, on that basis, denies said allegations.

179. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 179 and, on that basis, denies said allegations.

180. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 180 and, on that basis, denies said allegations.

181. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 181 and, on that basis, denies said allegations.

182. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 182 and, on that basis, denies said allegations.

## **COUNT IX**

### **Alleged Infringement of the '298 Patent by CD Digital**

183. Microvision denies that it has or continues to infringe, contribute to infringement, and/or induce infringement of the '298 Patent in any way. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 183 with respect to the other Defendants and, on that basis, denies said allegations.

184. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 184 and, on that basis, denies said allegations.

185. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 185 and, on that basis, denies said allegations.

186. Microvision lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 186 and, on that basis, denies said allegations.

187. Microvision denies each and every averment of the Complaint that is not specifically and expressly admitted herein.

## **RESPONSE TO PLAINTIFFS' PRAYER FOR RELIEF**

188. Microvision denies that Plaintiffs are entitled to the relief requested in Paragraphs A through G of their Prayer for Relief, or any relief whatsoever based on the allegations in the Complaint.

## **AFFIRMATIVE AND ADDITIONAL DEFENSES**

As for its affirmative defenses, Microvision alleges as follows:

### **FIRST AFFIRMATIVE DEFENSE**

1. The Complaint fails to state a claim against Microvision upon which any relief can be granted.

### **SECOND AFFIRMATIVE DEFENSE**

2. Microvision has not infringed and does not infringe any valid and enforceable claim of the '404, '124, '988, '696, '469, '544, '736, '557 or '298 Patents.

### **THIRD AFFIRMATIVE DEFENSE**

3. Upon information and belief and after a reasonable opportunity for further investigation and discovery, one or more claims of the '404, '124, '988, '696, '469, '544, '736, '557 and '298 Patents will be found invalid and/or unenforceable for failure to meet the conditions of patentability, including but not limited to those set forth in 35 U.S.C. §§ 101, 102, 103, and/or 112.

### **FOURTH AFFIRMATIVE DEFENSE**

4. Plaintiffs' claims are barred, either in whole or in part, by the doctrines of waiver, estoppel, and/or laches.

**FIFTH AFFIRMATIVE DEFENSE**

5. Microvision has not willfully infringed and is not willfully infringing any valid and enforceable claim of the '404, '124, '988, '696, '469, '544, '736, '557 or '298 Patents, thus precluding Plaintiffs from recovering trebled damages, attorneys' fees and/or costs under 35 U.S.C. §§ 284 or 285.

**PRAYER FOR RELIEF**

WHEREFORE, Defendant Microvision asks the Court to enter judgment in its favor and grant the following relief:

- A. Dismissing with prejudice the entirety of the Complaint;
- B. Denying all remedies and relief sought in the Complaint;
- C. Entering judgment that Microvision has not infringed any valid and enforceable claim of the '404, '124, '988, '696, '469, '544, '736, '557 or '298 Patents;
- D. Entering judgment that the '404, '124, '988, '696, '469, '544, '736, '557 and '298 Patents are invalid and/or unenforceable;
- E. Declaring this an exceptional case and awarding to Microvision its reasonable attorneys' fees, costs, and expenses incurred in defending this action;
- F. Granting such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Microvision hereby demands a trial by jury of all issues so triable.

Dated: New York, New York  
July 14, 2008

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